

ZB# 82-16

Clifford & Olive Burgess

4-1-14

#82-16 - Burgess, Cliff & Olive - use Variance

Prelim. Meeting:

11/8/82

Public Hearing:

Dec. 13, 1982

7:30 p.m.

General Receipt

5040

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Received of

Clifford VOROLIVE Burgess Dec 14 19 82
Twenty Five DOLLARS

For

Zoning Application Fee

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>File</u>		
<u>82-16</u>		
<u>Check</u>		<u>25.00</u>

By

Pauline Townsend
Town Clerk (204)
Title

Williamson Law Book Co., Rochester, N. Y. 14609

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of

CLIFFORD and OLIVE BURGESS

DECISION GRANTING
USE VARIANCE

82-16.

-----x

WHEREAS, CLIFFORD & OLIVE BURGESS of 412 Little Britain Road,
New Windsor, New York,, have made application before the
Zoning Board of Appeals for a use variance for the purposes of:
construction of an addition to residence which will be a second apartment;
and

WHEREAS, a public hearing was held on the 13th day of
December, 1982 at the Town Hall, 555 Union Avenue, New
Windsor, New York; and

WHEREAS, applicant appeared by his attorney, J. Tad Seaman,
Esq. of Seaman, McGuirk & Zeccola, 542 Union Avenue, New Windsor, NY ; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that the proposed addition will not
be detrimental to the neighboring properties;

3. The evidence shows: that the property in question has no
rentable appeal because of the adjacent businesses;

4. The evidence shows: that tenant has resided on the property for a number of years and, due to her age, she is not capable of making a move at this time;

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.

3. The evidence shows that the application as presented does not alter the essential character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a use variance as applied for and in connection with plans presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: January 10, 1983.

Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

December 14, 1982

SEAMAN, MC GUIRK and ZECCOLA P.C.
542 Union Avenue
New Windsor, N. Y. 12550

Attn: J. Tad Seaman, Esq.

RE: APPLICATION FOR USE VARIANCE - BURGESS
#82-16

Dear Mr. Seaman:

This is to confirm that the Zoning Board of Appeals of the Town of New Windsor granted the above use variance at their meeting of December 13, 1982.

A formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

You may inform your clients that they may contact the Building Inspector to obtain a building permit.

Very truly yours,

PATRICIA DELIO,
Secretary to Zoning Board of Appeals

/pd

cc: Building Inspector Kennedy
Town Planning Board

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

82-16

Date: 11/30/82

- I. Applicant Information: 412 Little Britain Rd.
- (a) BURGESS, CLIFFORD & OLIVE, Newburgh, N. Y. 12550 same
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) J. Tad Seaman, Seaman, McGuirk & Zeccola P.C.
(Name, address and phone of attorney)
- (d) n/a
(Name, address and phone of broker)

II. Application type:

- ☒ Use Variance ☐ Sign Variance
- ☐ Area Variance ☐ Special Permit

III. ✓ Property Information:

- (a) R-4 PL Route 207, New Windsor 4-1-14 200 x 200
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? PI (Planned Industrial)
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1971
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? -
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? Yes
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a

IV. ✓ Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use Regs., Col. A, to allow:
(Describe proposal) Add on second apartment, making a two-family residence.

- (b) ✓ The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

The property in question has no rentable appeal because of the adjacent businesses and the only tenant, Mrs. Glassey, who has a life estate in the property, may rent at this location. The owners cannot reside rent-free unless the addition is constructed with the additional apartment.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. /	/	/
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. ✓ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

n/a

IX. ✓ Attachments required:

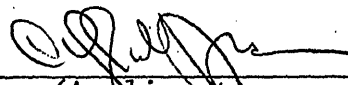
- ✓ Copy of letter of referral from Bldg./Zoning Inspector.
- ✓ Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ✓/A Copy(ies) of sign(s) with dimensions.
- ✓ Check in the amount of \$25.00 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date November 30, 1982

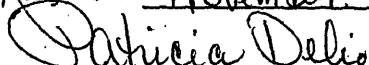
STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

30th day of November, 1982.



PATRICIA DELIO
Notary Public, State of New York
Appointed in Orange County
My Commission expires Mar. 30, 1984.

XI. ZBA Action:

(a) Public Hearing date _____.

(b) Variance is _____.

Special Permit is _____.

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

STATE OF NEW YORK
COUNTY OF ORANGE
TOWN OF CORNWALL

SS:

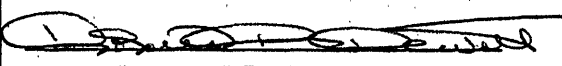
DONNA J. La PIERRE, being duly sworn, deposes and says:

I am a resident of Cornwall, New York, that on the 2nd day of December, 1982, I mailed the annexed Notice of Public Hearing to each of the parties hereinafter named by depositing in a United States Post Office or official depository at New Windsor, New York, a true copy of said notice, each properly enclosed in a securely sealed, post-paid wrapper, marked "CERTIFIED MAIL, RETURN RECEIPT REQUESTED" directed respectively to each of the following parties at the address set opposite their names:

<u>NAME</u>	<u>ADDRESS</u>
1. Gertrude H. Smiley	421 Little Britain Road, Newburgh, N.Y. 12550
2. Peter M. & Sharon L. Owejan	419 Little Britain Road, New Windsor, N.Y. 12550
3. Macbeth Corp.	405 Little Britain Road, New Windsor, N.Y. 12550
4. Millicent R. and Alfred H. Miller	416 Little Britain Road New Windsor, New York 12550
5. Central Hudson Gas & Electrical Corp.	284 South Avenue Poughkeepsie, N.Y. 12602
6. Newburgh Water Supply	C/O City Comptroller, City Hall Newburgh, New York 12550
7. David L. Rider, Esq. Elliot M. Weiner, Esq., et al.	427 Little Britain Road New Windsor, N.Y. 12550


DONNA J. La PIERRE

Sworn to before me this
2nd day of December, 1982.


DOLORES D. DeWITT
Notary Public, State of New York
Residing in Orange County
My Commission Expires Mar. 30, 1983
No. 4644110

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-33A of the
Zoning Ordinance on the following proposition:

Appeal No. 16

Request of CLIFFORD and OLIVE BURGESS

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to
permit Two-Family Residence in R-4 (residential)
zone,

being a VARIANCE ~~SPECIAL PERMIT~~ of
Section 48-9 - Table of Use Regulations - Col. A
for property situated as follows:

Route 207 - Town of New Windsor, New York.

SAID HEARING will take place on the 13th day of
December, 1982, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

7

561-4657

Dec. 1, 1982

Clifford Burgess
412 Little Britain Rd.
New Windsor, N.Y.

Re: 4-1-14

Dear Mr. Burgess:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

PAULA SARVIS
ASSESSOR
Town of New Windsor



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Newburgh Water Supply
c/o City Comptroller
City Hall
Newburgh, N.Y. 12550

Central Hudson Gas &
Electric Corp.
284 South Ave.
Poughkeepsie NY 12602

Miller Millicent R &
Alfred H
416 Little Britain Rd.
New Windsor NY 12550

Macbeth Corp.
405 Little Britain Rd
New Windsor NY 12550

Owejan Peter M & Sharon L
419 Little Britain Road
New Windsor NY 12550

Smiley Gertrude H
421 Little Britain Rd
New Windsor NY 12550

Rider David L
Weiner Elliot M
Loeb James R
Drake Richard J
427 Little Britain Rd
New Windsor NY 12550

cc: V.T.S.,
cc: Paul Cuomo

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date Nov 8, 82, 19...

To CLIFF BURGESS (Glassey) 1-4657.

PLEASE TAKE NOTICE that your application dated Nov 11 82, 19...

for permit to Build addition to premises

at the premises located at Route 207

is returned herewith and disapproved on the following grounds:

addition to a
located on Route 207
proposed (2) two family residence, not
permitted in a residential (R-4) zone

[Signature]
Building Inspector

PROPERTY OF
A. & M. MILLER

200'

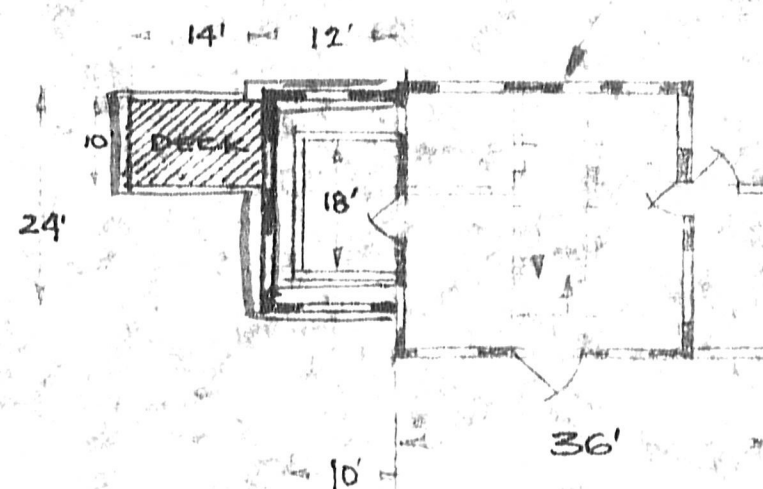
20' x 60'
OPEN FRONT STORAGE SHED

60' x 90'
SIGN SHOP

OIL STORAGE

FURNACE

EXISTING RESIDENCE



32'

36'

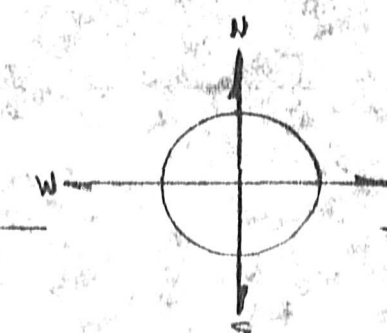
10'

ROUTE 207

175'

SITE PLAN / PROPERTY OF
CLIFFORD & OLIVE BURGESS
RED INDICATES PROPOSED
NEW ADDITION 12'-0" x 24'-0"

SCALE 1/2" = 10'-0"



10/25/82



PROPOSED 12'0" x 24'0" ADDITION TO HOME
OF CLIFFORD & OLIVE BURGESS
412 LITTLE BRITAIN ROAD, NEW WINDSOR, N.Y.

- REMOVE EXISTING PORCH • 4/12 PITCH SHED ROOF
- 4/4 VINYL SIDING • ANDERSON WINDOWS
- BAY WINDOW • 2 SKYLIGHTS • TREATED LUMBER DECK (10'x14')
- PIER FOUNDATION • BASEBOARD HOT WATER HEAT

10/25/82